

"An Act amending Article 2686 of the Revised Civil Statutes of Texas by providing that appeals from the decision of the county superintendent of public instruction shall be to the county board of school trustees, and from the county board of school trustees to the court having proper jurisdiction of the subject matter or in the alternative to the State Superintendent of Public Instruction as now provided by law; providing the time of election of which course of appeal is to be pursued, and providing that matters pending when the law takes effect shall not be affected thereby,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,
Austin, Texas, March 7, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 638, A bill to be entitled "An Act to authorize the transfer of civil cases in Lamar county from the docket of the Sixth Judicial District to the docket of the Sixty-second Judicial District and from the Sixty-second Judicial District to the Sixth Judicial District at the close of each term, during term time or in vacation, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

WHITAKER, Vice-Chairman.

Committee Room,
Austin, Texas, March 7, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 188, A bill to be entitled "An Act changing the name of the College of Industrial Arts to the Texas State College for Women,"

Have carefully compared same and find it correctly engrossed.

WHITAKER, Vice-Chairman.

Committee Room,
Austin, Texas, March 7, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 528, A bill to be entitled "An Act authorizing the commissioners court of Jefferson county, Texas, to pur-

chase automobiles for the use of the commissioners when acting as road supervisors under appropriate regulations of said court, and providing for the reports thereon to the auditor and limiting the amount to be expended therefor, and providing for the marking of said cars and a penalty for failure to mark, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

WHITAKER, Vice-Chairman.

Committee Room,
Austin, Texas, March 7, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 618, A bill to be entitled "An Act to revive and extend the time of expiration of oil and gas permit No. 7987 on 36.2 acres of the bed of Goose Creek in Harris county, Texas, for a period of three years from June 11, 1927, upon the same terms and conditions on which the original permit was issued, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

WHITAKER, Vice-Chairman.

THIRTY-FIFTH DAY.

(Tuesday, March 8, 1927.)

The House met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Bobbitt.

The roll was called, and the following members were present:

Acker.	Denman.
Albritton.	Dielmann.
Alexander.	Dunlap.
Avis.	Duval.
Barnett.	Enderby.
Barron.	Eickenroht.
Bass.	Farrar.
Bateman.	Faulk.
Bird.	Finlay.
Black.	Fly.
Boggs.	Forbes.
Bonham.	Fuchs.
Boon.	Gates.
Branch.	Gibson.
Brown.	Gilbert.
Conway.	Graves.
Cornwell.	Gray.
Cox.	Hall.
Cummings.	Harding.
Daniel.	Harman.
Davis.	Hefley.
DeBerry.	High.

Holder.	Rowell.
Holland.	Runge.
Hornaday.	Sanders.
Johnson.	Satterwhite.
Jones.	Shaver.
Kayton.	Shearer.
Kemble.	Sheats.
Kennedy.	Shirley.
Kincaid.	Simmons.
King of Hopkins.	Sinks.
Kirby.	Smith of El Paso.
Kirkland.	Smith of Nueces.
Land.	Smith of Smith.
Lipscomb.	Smyth.
Long.	Snelgrove.
Loy.	Stell.
McCombs.	Stevenson.
McGill.	Storey.
McKean.	Stout.
Merritt.	Sutton.
Minor.	Swain.
Montgomery.	Taylor.
Morse.	Teer.
Moursund.	Tillotson.
Murphy.	Turner.
Nabors.	Van Zandt.
Nicholson.	Veatch.
Olsen.	Waddell.
Parish of Runnels.	Walker.
Parrish of Travis.	Wallace
Pavlica.	of Freestone.
Pearce.	Wallace of Panola.
Petsch.	Wallace of Smith.
Poage.	Ware.
Pool.	Wassell.
Pope.	Webb.
Porter.	Wells.
Powell.	Whitaker.
Purl.	Williams
Ramsey.	of Sabine.
Rawlins.	Williams
Reagan.	of Travis.
Renfro	Williamson.
of Angelina.	Woodall.
Renfro of Mills.	Woodruff.
Rogers of Hays.	Young.
Rogers of Shelby.	

Absent—Excused.

Anderson.	Kenyon.
Beck.	King of
Foster.	Throckmorton.
Hagaman.	Kinnear.
Hogg.	Loftin.
Jacks.	Masterson.
Justice.	Smith of Atascosa.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Hogg for today, on motion of Mr. Morse.

Mr. Kenyon for today, on motion of Mr. Shearer.

Mr. Denman for today, on motion of Mr. Sutton.

Mr. Foster for today, on motion of Mr. Morse.

Mr. Hagaman for today, on motion of Mr. Albritton.

Mr. Jacks for today, on motion of Mr. Holder.

Mr. Masterson for today, on motion of Mr. Sheats.

Mr. King of Throckmorton, on motion of Mr. Hall.

The following members were granted leaves of absence on account of sickness:

Mr. Smith of Atascosa for today, on motion of Mr. Young.

Mr. Kinnear for today and the remainder of the session, on motion of Mr. Reagan.

Mr. Anderson for today, on motion of Mr. Dielmann.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Williamson, House bill No. 550 was ordered not printed.

On motion of Mr. Harman, Senate bill No. 421 was ordered not printed.

INVITING GOVERNOR DAN MOODY TO ADDRESS THE HOUSE.

Mr. Teer offered the following resolution:

Whereas, There are now before the Legislature certain bills that are of vital importance; therefore, be it

Resolved, That the House of Representatives invite the Governor, Dan Moody, to express his views on pending legislation at 3 p. m. today.

Signed—Teer, Rawlins, Williams.

The resolution was read second time and was adopted.

MOTION TO PRINT SENATE BILL NO. 296.

Mr. Purl moved that Senate bill No. 296, reported adversely with a minority favorable report, be printed.

Yeas and nays were demanded, and the motion to print was lost by the following vote:

Yeas—52.

Acker.
Barron.
Bateman.

Bird.
Bonham.
Conway.

Cummings.	Nicholson.
Daniel.	Petsch.
Davis.	Poage.
Denman.	Pool.
Duvall.	Porter.
Enderby.	Purl.
Finlay.	Rawlins.
Forbes.	Rogers of Shelby.
Gibson.	Runge.
Harding.	Sanders.
Holder.	Shaver.
Holland.	Sheats.
Hornaday.	Smith of El Paso.
Kemble.	Smith of Smith.
Kincaid.	Stevenson.
Kirkland.	Storey.
Lipscomb.	Swain.
Long.	Van Zandt.
Loy.	Wassell.
McCombs.	Wells.
McGill.	Williams
Minor.	of Travis.
Montgomery.	Woodall.
Murphy.	

Nays—79.

Albritton.	Parrish of Travis.
Alexander.	Pavlica.
Avis.	Pearce.
Barnett.	Powell.
Bass.	Ramsey.
Black.	Reagan.
Boggs.	Renfro
Branch.	of Angelina.
Cornwell.	Rogers of Hays.
Cox.	Rowell.
DeBerry.	Satterwhite.
Dielmann.	Shearer.
Eickenroht.	Shirley.
Farrar.	Simmons.
Faulk.	Sinks.
Fly.	Smith of Nueces.
Fuchs.	Smyth.
Gilbert.	Snelgrove.
Graves.	Stell.
Gray.	Stout.
Hall.	Sutton.
Harman.	Tillotson.
Hefley.	Turner.
High.	Veatch.
Johnson.	Waddell.
Jones.	Walker.
Kayton.	Wallace
Kennedy.	of Freestone.
Land.	Wallace of Panola.
McKean.	Wallace of Smith.
Merritt.	Ware.
Morse.	Webb.
Moursund.	Williams
Nabors.	of Sabine.
Olsen.	Williamson.
Parish of Runnels.	Young.

Absent.

Beck.	Dunlap.
Boon.	Gates.
Brown.	King of Hopkins.

Kirby.	Taylor.
Loftin.	Teer.
Pope.	Whitaker.
Renfro of Mills.	Woodruff.

Absent—Excused.

Anderson.	Kenyon.
Foster.	King of
Hagaman.	Throckmorton.
Hogg.	Kinnear.
Jacks.	Masterson.
Justice.	Smith of Atascosa.

HOUSE BILL NO. 320 WITH SENATE AMENDMENTS.

Mr. Wells called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 320, A bill to be entitled "An Act relating to fishermen."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Wells, the House concurred in the Senate amendments.

STANDING COMMITTEE APPOINTMENTS.

The Speaker made the following committee appointments:

Privileges, Suffrage and Elections—Messrs. Renfro of Mills, Chairman; Keeton, Vice-Chairman.

ADDRESS BY HON. DAN MOODY, GOVERNOR.

In accordance with a resolution heretofore adopted, the Speaker announced the appointment of the following committee to escort Hon. Dan Moody to the Speaker's stand:

Messrs. Woodall, Stevenson, Snelgrove, Kincaid, Keeton, Holder, McGill, Farrar, Cornwell, Kirby and Sutton.

The committee having performed their duty, Speaker Bobbitt presented Mr. Woodall, who in turn presented Hon. Dan Moody.

Governor Moody then addressed the House.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 437, "An Act to revive and extend the time of expiration of Oil and Gas Permit No. 7987 of the bed of Goose Creek in Harris county."

S. B. No. 430, "An Act providing for expenses of members of the State High-

way Commission in connection with official duties; providing for the payment of said expenses out of an appropriation of the State Highway fund heretofore made, and declaring an emergency."

HOUSE BILL NO. 69 ON PASSAGE TO ENGROSSMENT.

The Speaker laid before the House, as a special order for this hour, on its passage to engrossment,

H. B. No. 69, A bill to be entitled "An Act levying a State occupation tax on every person, firm, partnership, company, corporation, association, receiver, trustee, common law trust or other concern selling at retail cigars and cigarettes; defining person; defining wholesaler; defining retailer, to include sales to consumers in any quantity; enacting the necessary provisions to enforce the collection of the tax and to accomplish the purpose of the act; prescribing penalties for failure to comply with the requirements of the act; providing for reports to be made by retailers to the Comptroller of all purchases made and of all sales made and for payment of the tax; providing for wholesalers to report to the Comptroller all sales made to the retailers in Texas; providing for the disposition of funds received; repealing all laws in conflict herewith, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Barron offered the following amendment to the bill:

Amend House bill No. 69 by striking out all below the enacting clause, and inserting in lieu thereof the following:

Section 1. That there is hereby levied a tax in the sum as hereinafter set forth upon tobacco products and substitutes thereof as defined in Section 2 of this act for the benefit of the public schools of the State of Texas, which tax shall be paid and collected as set forth herein, from every person, firm, corporation, or association of persons engaged in selling any or all such forms and kinds of tobacco, tobacco products and tobacco substitutes at retail.

Sec. 2. The tax herein levied and to be collected on all kinds of tobacco, tobacco products and tobacco substitutes provided for in this act shall be one (1) cent for each ten (10) cents or fractional part thereof of the retail selling price of all tobacco, cigarettes, smoking tobacco and chewing tobacco, cigars, cheroots, and snuff made of tobacco or any substitute thereof.

Sec. 3. The payment of the tax as

imposed in this act on articles based on retail selling price shall be evidenced by affixing stamps in the manner and at the time as herein set out.

In the case of cigars, cheroots and chewing tobacco, the stamps may be affixed at the rates set out in Section 2 hereof by the manufacturer of same or by any jobber before delivery to retailer, but if not so affixed, said stamps must be affixed by the retailer at rates set out in Section 2 hereof to the box or container in which they are received, or from which they are customarily sold, as soon as received into the retail place of business.

In the case of cigarettes, smoking tobacco wrapped in packages, and snuff, the stamps may be affixed at the rates set out in Section 2 hereof by the manufacturer to each individual package at the time of their manufacture or by any jobber before delivery to retailer, but if not so affixed the said stamps must be affixed by the retailer at the rate set out in Section 2 hereto to each individual package as soon as exposed for sale in retail place of business.

Stamps required to be affixed by the provisions of this act shall be affixed in such manner that their removal will require continued application of steam or water. The stamps affixed to boxes containing cigars, cheroots and chewing tobacco shall be affixed in such manner that the opening of said box would break said stamp and prevent its future use.

Sec. 4. Where the retail or selling price is referred to in this act as the basis for computing the amount of stamps required on any article, it is intended to mean the retail selling price of the article before adding the amount of the tax.

Sec. 5. The provisions of this act shall apply only to articles mentioned herein made the subject of intrastate retail sales.

The provisions of this act shall not apply to insecticides or liquid sprays in which tobacco is used.

Sec. 6. The Comptroller of Public Accounts of the State of Texas shall administer the provisions of this act and enforce the payment of taxes imposed herein. It shall be his duty to purchase at the lowest price possible, quality and convenience of delivery being considered, and keep on hand in his office or some other safe depository at all times a sufficient and adequate supply of stamps in requisite denominations, to be by him determined, and to supply all persons, firms, corporations,

or associations of persons who are manufacturers, jobbers or retail dealers in tobacco products. Such stamps shall bear the picture of a school house and the inscription "For Texas Public Schools." He shall have authority to establish agencies throughout the State for the convenient distribution of stamps and supply requested amounts to all out of State manufacturers and jobbers. Such agency shall distribute and sell such stamps to those required to use same; and such agency shall keep a record on forms furnished by the Comptroller, which forms shall show the name of the purchaser and the amount and date of purchase. The Comptroller and all established agencies shall redeem all unused or mutilated stamps at face value, provided such stamps have not been affixed to any of the containers or individual packages heretofore enumerated.

Sec. 7. All moneys collected from the sale of stamps provided for in this act, shall be paid into the State Treasury and credited to the State available school fund, and shall be distributed and used in the same manner and for the same purpose as is now provided by law for the distribution and use of the State available school fund derived from other sources. All agencies shall remit the funds collected and make reports thereof to the State Comptroller quarterly (beginning October 1, 1927) not later than the 30th day of the first month of the succeeding quarter; and upon failure of such agencies to remit taxes collected and make reports thereof they shall be subject to the payment of a penalty in the amount of ten per cent of the total amount collected during the preceding quarter, and it is hereby made the duty of the Attorney General of the State to institute suit upon the request of the Comptroller for the collection of the amount due plus the penalty, and said suit shall be brought in county of residence of offender. All out of State manufacturers and dealers shall remit for requested stamps direct to the Comptroller at the time same are ordered.

Sec. 8. The Comptroller of Public Accounts shall have the power and it shall be his duty to require all persons, firms, corporations or association of persons engaged in the manufacture or sale of tobacco and tobacco products as described herein, to furnish any information by him deemed necessary for the purpose of enforcing the payment of said tax. He or his duly authorized

agent or representative shall call upon all manufacturers within this State or retailers required to pay taxes under the provisions of this act and it shall be his duty to examine or cause to be examined any taxable stocks or merchandise, all stamps purchased, and to secure other information directly concerned in the enforcement of this act.

Sec. 9. It shall be the duty of the Comptroller of Public Accounts to report in detail all violations hereunder to the district or county attorney having jurisdiction over such offenses as soon as practicable and without unnecessary delay.

Sec. 10. Any person, the members of any firm, the officers and managers of any corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction shall be fined for the first offense in a sum of not less than ten dollars (\$10) nor more than fifty dollars (\$50), and for each subsequent offense thereafter shall be fined in a sum not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or shall be imprisoned in the county jail for a term of not less than ten days nor more than sixty days, or both fine and imprisonment.

Sec. 11. Anyone who wilfully removes or alters the cancellation or defacing marks of, or otherwise makes or prepares any adhesive stamps, with intent to use, or cause the same to be used after it has already been used, or knowingly or wilfully buys, sells, offers for sale, or gives away any such counterfeit, washed or restored stamp to any person for use, or knowingly uses the same, or has in his possession any counterfeit, washed, restored or altered stamp, which has never been used or which has been removed from the article to which it has been previously affixed, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than two years, or both fine and imprisonment.

Sec. 12. If any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or any part thereof, directly involved in the

controversy in which said judgment has been rendered.

Sec. 13. The crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

(Mr. Satterwhite in the chair.)

Mr. Barron offered the following amendment to the amendment:

Amend by adding at close of Section 3 the following: "All tobacco, tobacco products and tobacco substitutes given, sold or in any way placed in the hands of consumers by all manufacturers, jobbers, or any other person, firm or corporation shall have stamps affixed as above required and at the rates set out in Section 2 hereof."

Mr. Kirby moved to table the amendment and the motion to table was lost.

Question then recurring on the amendment, it was adopted.

Mr. Barron offered the following amendment to the bill:

Amend by adding a new paragraph between paragraphs 3 and 4 of Section 3 as follows:

"If the above stamps are affixed by the manufacturer or jobber before delivered to retailer, and if retailer sells the cigars, cheroots, chewing tobacco, cigarettes, smoking tobacco wrapped in packages, and snuff at a greater retail price than the stamps affixed at above rates indicate said retailer shall add stamps at above rates to cover increases in retail price."

The amendment was adopted.

Question—Shall the bill be passed to engrossment?

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 8, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House amendments to Senate bill No. 25 and requests the House for the appointment of a free conference committee to adjust the differences. The following are appointed as conferees on the part of the Senate: Senators Bledsoe, Woodward, Stuart, Witt and Price.

And has passed

S. J. R. No. 30, Proposing an amendment to the State Constitution providing that hereafter members of the Legisla-

ture shall receive the same compensation or per diem after the first sixty days of a session as they receive for the first sixty days thereof.

S. C. R. No. 29, Recalling Senate bill No. 232 from the Governor's office for further consideration.

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

RECALLING SENATE BILL NO. 232 FROM GOVERNOR.

The Speaker laid before the House, for consideration at this time, the following resolution:

Whereas, Senate bill No. 232 has been passed by the Senate and the House and sent to the Governor; and

Whereas, Said bill needs correction; therefore, be it

Resolved, That the Senate, the House concurring, requests that Senate bill No. 232 be returned from the Governor for the purpose of correction, and that the Lieutenant Governor and the Speaker of the House be authorized to erase their names from the bill.

The resolution was read second time and was adopted.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 8, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate grants the request of the House for the appointment of a free conference committee to adjust the differences in the matter of House bill No. 561.

The following are appointed as conferees on the part of the Senate:

Senators Wood, Parr, Stuart, Bowers and Hall.

The Senate has passed

S. B. No. 64, A bill to be entitled "An Act to amend Title 1, Chapter 1, Article 3943, Revised Civil Statutes of Texas, relating to fees of office of county treasurers."

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

CONFERENCE COMMITTEE ON SENATE BILL NO. 25.

The Speaker appointed the following conference committee on Senate bill No. 25:

Messrs. Cummings, Teer, Storey, Farrar and Petsch.

CONFERENCE COMMITTEE ON SENATE BILL NO. 17.

The Speaker appointed the following conference committee on Senate bill No. 17:

Messrs. Rawlins, Jacks, McCombs, Sinks and Minor.

RECESS.

On motion of Mr. Purl, the House, at 6:15 o'clock p. m., took recess to 8:15 o'clock p. m. today.

NIGHT SESSION.

The House met at 8:15 o'clock p. m. and was called to order by Mr. Satterwhite, who was in the chair when the House recessed.

RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following resolution:

S. C. R. No. 29, Relating to recalling bill from Governor.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 8, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has rescinded the vote by which Senate bill No. 232 was passed, which bill was recalled from the Governor for correction; that the Senate has amended said bill and passed it finally by the following vote: Yeas, 18; nays, 8.

Respectfully,
W. V. HOWERTON,
Secretary of the Senate.

SENATE BILL NO. 232 ON FINAL PASSAGE.

Mr. Daniel moved to reconsider the vote by which Senate bill No. 232 finally passed.

The motion to reconsider prevailed. Senate bill No. 232 was then finally passed.

HOUSE BILL NO. 69 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 69, relating to placing an occupation tax on tobacco, on its passage to engrossment, with amendment by Mr. Barron pending.

Mr. Finlay offered the following amendment to the amendment:

Amend amendment to House bill No. 69 by striking out the words and figures "one (1)" in line 1, page 1039, column 1, of the bill, and insert the words and figures "one-half (1-2)."

Mr. Barron moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—83.

Avis.	Parish of Runnels.
Barnett.	Petsch.
Barron.	Poage.
Bateman.	Pool.
Bird.	Pope.
Boggs.	Porter.
Bonham.	Purl.
Boon.	Ramsey.
Brown.	Rawlins.
Conway.	Renfro
Cornwell.	of Angelina.
Cummings.	Rogers of Hays.
Daniel.	Rowell.
DeBerry.	Sanders.
Denman.	Satterwhite.
Dielmann.	Shaver.
Duvall.	Shirley.
Enderby.	Simmons.
Farrar.	Smith of El Paso.
Faulk.	Smith of Smith.
Fly.	Snelgrove.
Forbes.	Stevenson.
Fuchs.	Storey.
Gilbert.	Stout.
Graves.	Teer.
Gray.	Turner.
Hall.	Van Zandt.
High.	Veatch.
Holder.	Waddell.
Hornaday.	Walker.
Jacks.	Wallace
Johnson.	of Freestone.
Kincaid.	Wallace of Panola.
King of Hopkins.	Wallace of Smith.
Lipscomb.	Ware.
Long.	Wassell.
McKean.	Whitaker.
Minor.	Williams
Montgomery.	of Sabine.
Moursund.	Williamson.
Murphy.	Woodruff.
Nicholson.	Young.

Nays—21.

Albritton.	Kirkland.
Bass.	McCombs.
Beck.	McGill.
Black.	Merritt.
Davis.	Morse.
Finlay.	Nabors.
Gibson.	Olsen.
Harding.	Reagan.
Holland.	Sinks.
Kayton.	Smyth.
Kirby.	Tillotson.

Present—Not Voting.

Pearce.	Webb.
Stell.	

Absent.

Acker.	Pavlica.
Alexander.	Powell.
Branch.	Renfro of Mills.
Cox.	Rogers of Shelby.
Dunlap.	Runge.
Eickenroht.	Shearer.
Gates.	Sheats.
Harman.	Smith of Nueces.
Hefley.	Sutton.
Jones.	Swain.
Kemble.	Taylor.
Kennedy.	Wells.
Land.	Williams
Loftin.	of Travis.
Loy.	Woodall.
Parrish of Travis.	

Absent—Excused.

Anderson.	King of
Foster.	Throckmorton.
Hagaman.	Kinnear.
Hogg.	Masterson.
Justice.	Smith of Atascosa.
Kenyon.	

Mr. Purl moved that further consideration of the bill be postponed indefinitely.

Mr. Gates moved that the House recess to 10 o'clock a. m. tomorrow.

Mr. Young moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Tillotson moved that the House recess to 9:30 o'clock a. m. tomorrow.

Mr. Kayton moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

Question first recurring on the motion to adjourn until 9:30 o'clock a. m. tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—25.

Albritton.	DeBerry.
Bateman.	Forbes.
Bird.	Harding.
Cornwell.	High.
Davis.	Holland.

Kayton.
Land.
McGill.
Merritt.
Nabors.
Pavlica.
Powell.
Reagan.
Sinks.

Stell.
Taylor.
Wallace
of Freestone.
Wallace of Panola.
Williams
of Travis.
Young.

Nays—85.

Alexander.	Murphy.
Avis.	Nicholson.
Barnett.	Olsen.
Barron.	Parish of Runnels.
Bass.	Parrish of Travis.
Beck.	Pearce.
Boggs.	Petsch.
Bonham.	Poage.
Boon.	Pool.
Brown.	Pope.
Conway.	Porter.
Cox.	Purl.
Cummings.	Ramsey.
Daniel.	Rawlins.
Dielmann.	Rogers of Hays.
Dunlap.	Rowell.
Duvall.	Sanders.
Enderby.	Shearer.
Farrar.	Sheats.
Faulk.	Shirley.
Finlay.	Simmons.
Fly.	Smith of El Paso.
Gates.	Smith of Smith.
Gibson.	Snelgrove.
Gilbert.	Stevenson.
Graves.	Storey.
Gray.	Stout.
Harman.	Swain.
Holder.	Teer.
Hornaday.	Tillotson.
Jacks.	Turner.
Johnson.	Van Zandt.
Jones.	Veatch.
Kennedy.	Waddell.
Kincaid.	Walker.
King of Hopkins.	Wallace of Smith.
Kirkland.	Ware.
Lipscomb.	Wassell.
Long.	Wells.
McCombs.	Whitaker.
Minor.	Williams
Montgomery.	of Sabine.
Morse.	Woodruff.
Moursund.	

Absent.

Acker.	Loy.
Black.	McKean.
Branch.	Renfro
Eickenroht.	of Angelina.
Fuchs.	Renfro of Mills.
Hall.	Rogers of Shelby.
Hefley.	Runge.
Kemble.	Satterwhite.
Kirby.	Shaver.
Loftin.	Smith of Nueces.

Smyth.
Sutton.
Webb.

Williamson.
Woodall.

Absent—Excused.

Anderson. Kenyon.
Denman. King of
Foster. Throckmorton.
Hagaman. Kinnear.
Hogg. Masterson.
Justice. Smith of Atascosa.

Question then recurring on the motion to adjourn until 10 o'clock a. m. tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—36.

Albritton.	McCombs.
Bass.	McGill.
Bateman.	McKean.
Bird.	Merritt.
Boggs.	Morse.
Cornwell.	Pavlica.
DeBerry.	Powell.
Forbes.	Reagan.
Gates.	Simmons.
Harding.	Sinks.
Harman.	Smith of El Paso.
High.	Stell.
Holland.	Taylor.
Jones.	Wallace
Kayton.	of Freestone.
Kemble.	Wallace of Panola.
Kincaid.	Williams
Kirby.	of Travis.
Land.	Young.

Nays—75.

Avis.	Hornaday.
Barnett.	Johnson.
Barron.	Kennedy.
Beck.	King of Hopkins.
Black.	Kirkland.
Bonham.	Lipscomb.
Boon.	Long.
Brown.	Minor.
Conway.	Montgomery.
Cox.	Moursund.
Cummings.	Murphy.
Daniel.	Nicholson.
Davis.	Olsen.
Dielmann.	Parish of Runnels.
Dunlap.	Parrish of Travis.
Enderby.	Pearce.
Farrar.	Petsch.
Faulk.	Poage.
Finlay.	Pool.
Fly.	Pope.
Fuchs.	Porter.
Gibson.	Purl.
Gilbert.	Ramsey.
Graves.	Rawlins.
Gray.	Rogers of Hays.
Holder.	Rowell.

Sanders.	Van Zandt.
Shaver.	Veatch.
Shearer.	Waddell.
Sheats.	Walker.
Shirley.	Wallace of Smith.
Smith of Smith.	Ware.
Snelgrove.	Wassell.
Stevenson.	Wells.
Storey.	Whitaker.
Stout.	Williams
Swain.	of Sabine.
Teer.	Woodruff.
Tillotson.	

Present—Not Voting.

Jacks.

Absent.

Acker.	Renfro of Mills.
Alexander.	Rogers of Shelby.
Branch.	Runge.
Duvall.	Satterwhite.
Eickenroht.	Smith of Nueces.
Hall.	Smyth.
Hefley.	Sutton.
Loftin.	Turner.
Loy.	Webb.
Nabors.	Williamson.
Renfro	Woodall.
of Angelina.	

Absent—Excused.

Anderson.	Kenyon.
Denman.	King of
Foster.	Throckmorton.
Hagaman.	Kinnear.
Hogg.	Masterson.
Justice.	Smith of Atascosa.

Question then recurring on the motion to recess to 9:30 o'clock a. m. tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—32.

Bass.	Kirkland.
Bateman.	Land.
Beck.	Lipscomb.
Black.	McCombs.
Cornwell.	Merritt.
Cummings.	Parish of Runnels.
Daniel.	Pearce.
DeBerry.	Porter.
Enderby.	Rogers of Hays.
Finlay.	Rowell.
Fly.	Shirley.
Forbes.	Sinks.
Gray.	Stevenson.
Harman.	Tillotson.
Jacks.	Van Zandt.
King of Hopkins.	Woodruff.

Nays—73.

Albritton.	Barnett.
Avis.	Barron.

Bird.	Pavlica.
Boggs.	Petsch.
Bonham.	Poage.
Boon.	Pool.
Brown.	Pope.
Conway.	Powell.
Cox.	Purl.
Dielmann.	Ramsey.
Dunlap.	Rawlins.
Duvall.	Reagan.
Farrar.	Sanders.
Faulk.	Shaver.
Fuchs.	Shearer.
Gibson.	Sheats.
Gilbert.	Simmons.
Graves.	Smith of El Paso.
Harding.	Smith of Smith.
High.	Snelgrove.
Holder.	Stell.
Holland.	Storey.
Hornaday.	Stout.
Johnson.	Swain.
Jones.	Taylor.
Kayton.	Teer.
Kemble.	Turner.
Kincaid.	Veatch.
Kirby.	Walker.
Long.	Wallace
McGill.	of Freestone.
McKean.	Wallace of Panola.
Minor.	Wallace of Smith.
Montgomery.	Ware.
Morse.	Wassell.
Moursund.	Wells.
Murphy.	Whitaker.
Nicholson.	Williams
Olsen.	of Travis.
Parrish of Travis.	Young.

Present—Not Voting.

Davis.

Absent.

Acker.	Renfro of Mills.
Alexander.	Rogers of Shelby.
Branch.	Runge.
Eickenroht.	Satterwhite.
Gates.	Smith of Nueces.
Hall.	Smyth.
Hefley.	Sutton.
Kennedy.	Waddell.
Loftin.	Webb.
Loy.	Williams
Nabors.	of Sabine.
Renfro	Williamson.
of Angelina.	Woodall.

Absent—Excused.

Anderson.	Kenyon.
Denman.	King of
Foster.	Throckmorton.
Hagaman.	Kinnear.
Hogg.	Masterson.
Justice.	Smith of Atascosa.

Question then recurring on the motion to recess to 10 o'clock a. m. tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—40.

Albritton.	Kirkland.
Avis.	Land.
Bass.	Lipscomb.
Bateman.	Long.
Beck.	McCombs.
Black.	Merritt.
Cornwell.	Minor.
Cummings.	Pavlica.
Daniel.	Pearce.
Davis.	Porter.
DeBerry.	Rogers of Hays.
Dielmann.	Rowell.
Dunlap.	Sanders.
Enderby.	Sinks.
Finlay.	Smith of El Paso.
Forbes.	Stevenson.
Gray.	Tillotson.
High.	Van Zandt.
Johnson.	Williams
Kennedy.	of Sabine.
King of Hopkins.	

Nays—66.

Barnett.	Parrish of Travis.
Barron.	Petsch.
Bird.	Poage.
Boggs.	Pool.
Bonham.	Pope.
Brown.	Powell.
Conway.	Ramsey.
Cox.	Rawlins.
Duvall.	Reagan.
Farrar.	Shaver.
Faulk.	Shearer.
Fly.	Sheats.
Fuchs.	Simmons.
Gibson.	Smith of Smith.
Gilbert.	Snelgrove.
Graves.	Stell.
Harding.	Storey.
Holder.	Stout.
Holland.	Swain.
Hornaday.	Taylor.
Jacks.	Teer.
Jones.	Turner.
Kayton.	Walker.
Kemble.	Wallace
Kincaid.	of Freestone.
McGill.	Wallace of Panola.
McKean.	Wallace of Smith.
Montgomery.	Wells.
Morse.	Whitaker.
Moursund.	Williams
Murphy.	of Travis.
Nicholson.	Woodruff.
Olsen.	Young.
Parish of Runnels.	

Absent.

Acker.	Alexander.
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Boon.	Rogers of Shelby.
Branch.	Runge.
Eickenroht.	Satterwhite.
Gates.	Shirley.
Hall.	Smith of Nueces.
Harman.	Smyth.
Hefley.	Sutton.
Kirby.	Veatch.
Loftin.	Waddell.
Loy.	Ware.
Purl.	Wassell.
Nabors.	Webb.
Renfro	Williamson.
of Angelina.	Woodall.
Renfro of Mills.	

Absent—Excused.

Anderson.	Kenyon.
Denman.	King of
Foster.	Throckmorton.
Hagaman.	Kinnear.
Hogg.	Masterson.
Justice.	Smith of Atascosa.

The House then resumed consideration of pending business, same being House bill No. 69, relating to the tobacco tax.

Mr. Pool moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 69, and the call was duly seconded.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Jacks, the Sergeant-at-Arms was instructed to bring in all absent members within the city not ill.

Mr. Pearce offered the following amendment to the bill:

Amend House bill No. 69, on page 1039, Sections 2 and 3, of the House Journal, by striking out the words "chewing tobacco and snuff" in said sections and on said page whenever and wherever the same occur.

Mr. Bonham moved the previous question on the pending amendment, motion to postpone indefinitely and the bill, and the main question was ordered.

Question first recurring on the motion to postpone indefinitely, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—46.

Albritton.	Boggs.
Bass.	Cornwell.
Bird.	Cummings.

Davis.	Morse.
DeBerry.	Nabors.
Duvall.	Nicholson.
Eickenroht.	Pavlica.
Forbes.	Poage.
Gates.	Purl.
Gibson.	Reagan.
Harding.	Satterwhite.
High.	Sinks.
Holland.	Smyth.
Johnson.	Stell.
Kayton.	Taylor.
Kemble.	Tillotson.
Kennedy.	Wallace
Kineaid.	of Freestone.
Kirkland.	Wallace of Panola.
Land.	Ware.
McCombs.	Williams
McGill.	of Travis.
McKean.	Young.
Merritt.	

Nays—65.

Avis.	Petsch.
Barnett.	Pool.
Barron.	Pope.
Beck.	Porter.
Bonham.	Ramsey.
Boon.	Rawlins.
Brown.	Rogers of Hays.
Conway.	Rowell.
Cox.	Sanders.
Daniel.	Shaver.
Dielmann.	Shearer.
Dunlap.	Sheats.
Enderby.	Shirley.
Farrar.	Simmons.
Faulk.	Smith of Smith.
Finlay.	Snelgrove.
Fly.	Stevenson.
Fuchs.	Storey.
Gilbert.	Stout.
Graves.	Swain.
Gray.	Teer.
Harman.	Turner.
Holder.	Van Zandt.
Hornaday.	Veatch.
Jacks.	Waddell.
King of Hopkins.	Walker.
Lipscomb.	Wallace of Smith.
Minor.	Wassell.
Montgomery.	Wells.
Moursund.	Whitaker.
Olsen.	Williams
Parish of Runnels.	of Sabine.
Parrish of Travis.	Woodruff.
Pearce.	

Present—Not Voting.

Black.

Absent.

Acker.	Loy.
Alexander.	Powell.
Hall.	Renfro
Hefley.	of Angelina.

Rogers of Shelby. Webb.
Runge. Williamson.
Smith of Nueces. Woodall.
Sutton.

Absent—Excused.

Anderson. Kenyon.
Denman. King of
Foster. Throckmorton.
Hagaman. Masterson.
Hogg. Smith of Atascosa.

Paired.

Mr. Jones (present), who would vote "yea," with Mr. Kinnear (absent), who would vote "nay."

Mr. Kirby (present), who would vote "yea," with Mr. Bobbitt (absent), who would vote "nay."

Mr. Long (present), who would vote "yea," with Mr. Branch (absent), who would vote "nay."

Mr. Smith of El Paso (present), who would vote "yea," with Mr. Renfro of Mills (absent), who would vote "nay."

Mr. Bateman (present), who would vote "yea," with Mr. Justice (absent), who would vote "nay."

Mr. Murphy (present), who would vote "yea," with Mr. Loftin (absent), who would vote "yea."

Mr. Tillotson raised the following point of order on the consideration of the amendment:

That the original measure, House bill No. 69, declares its purpose to be "An Act levying an occupation tax on every person selling at retail cigars and cigarettes."

That the amendment or substitute offered for the original bill declares its purpose to be "An Act to levy a tax upon retail dealers in tobacco, and to require the use of stamps as evidence of payment thereof," as set forth on pages 1038 to 1040, inclusive, House Journal, Fortieth Legislature.

That the Constitution provides, Article 3, Section 30, as follows: "No law shall be passed, except by bill, and no bill shall be so amended in its passage through either house, as to change its original purpose."

Argument—That the original bill contemplated and expressly provided for an occupation tax on cigars and cigarettes; and that the amendment or substitute offered expresses a distinct purpose in its provisions to abandon, or change from the intent to levy an occupation tax, and to substitute therefor in

effect, as expressly provided in the amendment, a sales tax on certain products, viz: "Tobacco and tobacco products," such tax to be evidenced by use of stamps.

Further supporting the point of order reference was made to Section 1292, page 574 of the Legislative Manual, Annotated Rules of the House, Thirty-third Legislature.

The Speaker declined to rule on the point of order, stating that he would submit the matter to the House for its decision.

The House overruled the point of order by the following vote:

Yeas—48.

Albritton.	McCombs.
Beck.	McGill.
Cornwell.	McKean.
Cummings.	Merritt.
Davis.	Morse.
DeBerry.	Nabors.
Duvall.	Pavlica.
Eickenroht.	Pearce.
Finlay.	Poage.
Forbes.	Purl.
Gates.	Reagan.
Gibson.	Sinks.
Harding.	Stell.
Harman.	Stevenson.
High.	Storey.
Holland.	Taylor.
Johnson.	Tillotson.
Jones.	Van Zandt.
Kayton.	Wallace
Kemble.	of Freestone.
Kennedy.	Wallace of Panola.
Kincaid.	Ware.
Kirby.	Williams
Kirkland.	of Travis.
Land.	Young.

Nays—58.

Barnett.	King of Hopkins.
Barron.	Lipscomb.
Bass.	Long.
Bonham.	Minor.
Boon.	Montgomery.
Brown.	Moursund.
Conway.	Murphy.
Cox.	Nicholson.
Daniel.	Olsen.
Dielmann.	Parish of Runnels.
Enderby.	Parrish of Travis.
Farrar.	Petsch.
Faulk.	Pool.
Fly.	Pope.
Fuchs.	Ramsey.
Gilbert.	Rawlins.
Graves.	Rogers of Hays.
Gray.	Rowell.
Holder.	Sanders.
Hornaday.	Shaver.

Shearer.	Veatch.
Sheats.	Waddell.
Shirley.	Walker.
Simmons.	Wallace of Smith.
Smith of Smith.	Wassell.
Snelgrove.	Wells.
Stout.	Whitaker.
Swain.	Williams
Teer.	of Sabine.
Turner.	Woodruff.

Present—Not Voting.

Black.	Powell.
Boggs.	

Absent.

Acker.	Renfro
Alexander.	of Angelina.
Avis.	Renfro of Mills.
Bateman.	Rogers of Shelby.
Bird.	Runge.
Branch.	Satterwhite.
Dunlap.	Smith of El Paso.
Hall.	Smith of Nueces.
Hefley.	Smyth.
Loftin.	Sutton.
Loy.	Webb.
Porter.	Williamson.
	Woodall.

Absent—Excused.

Anderson.	Kenyon.
Denman.	King of
Foster.	Throckmorton.
Hagaman.	Kinnear.
Hogg.	Masterson.
Jacks.	Smith of Atascosa.
Justice.	

Question then recurring on the amendment by Mr. Barron, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—71.

Avis.	Gray.
Barnett.	Harding.
Barron.	Harman.
Beck.	Holder.
Bonham.	Hornaday.
Boon.	Jacks.
Brown.	Keeton.
Conway.	King of Hopkins.
Cox.	Lipscomb.
Cummings.	Minor.
Daniel.	Montgomery.
DeBerry.	Moursund.
Dielmann.	Nicholson.
Farrar.	Olsen.
Faulk.	Parish of Runnels.
Finlay.	Petsch.
Fly.	Poage.
Fuchs.	Pool.
Gilbert.	Pope.
Graves.	Porter.

Ramsey.	Swain.
Rawlins.	Teer.
Rogers of Hays.	Turner.
Rowell.	Van Zandt.
Sanders.	Veatch.
Shaver.	Waddell.
Shearer.	Walker.
Sheats.	Wallace of Smith.
Shirley.	Wa e.
Simmons.	Wassell.
Smith of Smith.	Wells.
Smyth.	Whitaker.
Snelgrove.	Williams
Stevenson.	of Sabine.
Storey.	Woodruff.
Stout.	Young.

Nays—36.

Albritton.	McCombs.
Bass.	McGill.
Bird.	McKean.
Boggs.	Merritt.
Cornwell.	Morse.
Davis.	Nabors.
Duvall.	Pavlica.
Eickenroht.	Purl.
Forbes.	Reagan.
Gates.	Sinks.
Gibson.	Stell.
High.	Taylor.
Holland.	Tillotson.
Johnson.	Wallace
Kayton.	of Freestone.
Kemble.	Wallace of Panola.
Kincaid.	Williams
Kirkland.	of Travis.
Land.	Woodall.

Present—Not Voting.

Black.	Pearce.
Jones.	Powell.

Absent.

Acker.	Murphy.
Alexander.	Parrish of Travis.
Bateman.	Renfro
Dunlap.	of Angelina.
Enderby.	Rogers of Shelby.
Hall.	Runge.
Hefley.	Satterwhite.
Kennedy.	Smith of Nueces.
Kirby.	Sutton.
Loftin.	Webb.
Loy.	Williamson.

Absent—Excused.

Anderson.	Kenyon.
Denman.	King of
Foster.	Throckmorton.
Hagaman.	Kinnear.
Hogg.	Masterson.
Justice.	Smith of Atascosa.

Paired.

Mr. Long (present), who would vote "yea," with Mr. Branch (absent), who would vote "nay."

Mr. Smith of El Paso (present), who would vote "yea," with Mr. Renfro of Mills (absent), who would vote "nay."

Mr. Barron, by unanimous consent, offered the following amendment to the bill:

Amend House bill No. 69, page 1, by striking out the caption of said bill in full, beginning with the first word in line 8 and extending to the last word in line 22, and insert in lieu thereof the following:

"An Act to levy a tax upon retail dealers in tobacco and tobacco products and tobacco substitutes for the benefit of the public schools of the State of Texas, based upon the sales price at retail; to provide for the collection of such tax and to require the use of stamps as evidence of the payment thereof; to provide for an inspection of the records and stocks of all dealers subject to the payment of this tax, and prescribing penalties for the violation of this act, and declaring an emergency."

The amendment was adopted.

Question then recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 69 was then passed to engrossment by the following vote:

Yeas—67.

Avis.	King of Hopkins.
Barnett.	Lipscomb.
Barron.	Minor.
Beck.	Montgomery.
Bonham.	Moursund.
Boon.	Olsen.
Brown.	Parish of Runnels.
Conway.	Petsch.
Cox.	Pool.
Cummings.	Pope.
Daniel.	Porter.
Dielmann.	Ramsey.
Dunlap.	Rawlins.
Enderby.	Rogers of Hays.
Farrar.	Rowell.
Faulk.	Sanders.
Finlay.	Satterwhite.
Fly.	Shaver.
Fuchs.	Shearer.
Gilbert.	Sheats.
Graves.	Shirley.
Gray.	Simmons.
Harman.	Smith of Smith.
Holder.	Smyth.
Hornaday.	Snelgrove.
Jacks.	Stevenson.
Keeton.	Storey.

Stout.
Swain.
Teer.
Turner.
Van Zandt.
Veatch.
Waddell.

Ware.
Wassell.
Wells.
Whitaker.
Williams
of Sabine.
Woodruff.

Nays—40.

Albritton.
Bass.
Bird.
Boggs.
Cornwell.
Davis.
DeBerry.
Eickenroht.
Forbes.
Gates.
Gibson.
Harding.
High.
Holland.
Johnson.
Kayton.
Kemble.
Kennedy.
Kincaid.
Kirkland.
Land.

McCombs.
McGill.
McKean.
Merritt.
Morse.
Nabors.
Nicholson.
Pavlica.
Purl.
Reagan.
Sinks.
Stell.
Taylor.
Tillotson.
Wallace
of Freestone.
Wallace of Panola.
Williams
of Travis.
Woodall.
Young.

Present—Not Voting.

Black.
Pearce.

Powell.

Absent.

Alexander.
Duvall.
Hall.
Loy.
Renfro
of Angelina.

Rogers of Shelby.
Runge.
Smith of Nueces.
Webb.
Williamson.

Absent—Excused.

Anderson.
Foster.
Hagaman.
Hogg.
Kenyon.

King of
Throckmorton.
Masterson.
Smith of Atascosa.

Paired.

Mr. Parrish of Travis (present), who would vote "nay," with Mr. Sutton (absent), who would vote "yea."

Mr. Murphy (present), who would vote "yea," with Mr. Loftin (absent), who would vote "nay."

Mr. Jones (present), who would vote "nay," with Mr. Kinnear (absent), who would vote "yea."

Mr. Poage (present), who would vote "nay," with Mr. Denman (absent), who would vote "yea."

Mr. Bateman (present), who would

vote "nay," with Mr. Justice (absent), who would vote "yea."

Mr. Kirby (present), who would vote "nay," with Mr. Bobbitt (absent), who would vote "yea."

Mr. Walker (present), who would vote "yea," with Mr. Hefley (absent), who would vote "nay."

Mr. Wallace of Smith (present), who would vote "yea," with Mr. Acker (absent), who would vote "nay."

Mr. Smith of El Paso (present), who would vote "nay," with Mr. Renfro of Mills (absent), who would vote "yea."

Mr. Long (present), who would vote "nay," with Mr. Branch (absent), who would vote "yea."

Reasons for Vote.

I vote "yea" on tobacco tax because the State must have necessary funds for necessary increases of State government, and because the State can stand no more ad valorem taxes.

DANIEL.

I have consistently voted against all salary raises, yet they have passed. I have favored the principle of the luxury tax; but if we are just going to raise more revenue to be wastefully expended, I shall vote against all increase in taxes until the appropriations are made and I see the need. I am fully determined the schools shall be amply provided for even though we have to tax all luxuries, and I am equally determined no more taxes shall be placed upon the now overburdened land owners of this State; therefore, at the present time I vote "no."

STELL.

On House bill No. 69 I voted "nay," and wish to offer the following reasons:

I have already voted for the three cent gasoline tax which will increase taxes some eight million dollars on the people of this State. It is estimated that House bill No. 69 will raise \$6,000,000, making a total of \$14,000,000. This amount is more taxes than I am now willing to vote for. The argument is made that the tobacco tax will be used as a substitution for part of the State ad valorem tax. If, at the Call Session when the appropriation bill is passed on, I can be assured by facts and figures, which can be known then and not until then, that there can be a substitute revenue measure for a part of the State ad valorem tax I will vote for same.

DeBERRY.

HOUSE BILL ON FIRST READING.

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee as follows:

By Mr. McKean and Mr. Rogers of Hays:

H. B. No. 653, A bill to be entitled "An Act creating a special road law for Caldwell county, Texas, requiring surety bonds of road overseers; containing provisions that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1927; setting forth the method of said operation, and declaring an emergency."

Referred to Judiciary Committee.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time and referred to the Committee on Constitutional Amendments:

By Mr. Wassell et al.:

H. J. R. No. 32, Proposing an amendment to the Constitution of the State of Texas by adding thereto Section 59, Article 16, so as to provide that the Legislature may fix the compensation of certain county officers by salaries in lieu of fees, commissions and other perquisites; providing for an election and making appropriation to pay expenses.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time and referred to the appropriate committees as follows:

S. J. R. No. 30, to the Committee on Constitutional Amendments.

S. B. No. 64, to the Committee on State Affairs.

RECESS.

Mr. Gates moved that the House recess to 10 o'clock a. m. tomorrow.

Mr. Kemble moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

Mr. Bonham moved that the House recess to 9:30 o'clock a. m. tomorrow.

Question first recurring on the motion to adjourn until 9:30 o'clock a. m. tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—39.

Albritton.	Montgomery.
Bass.	Morse.
Bird.	Nicholson.
Black.	Parrish of Travis.
Davis.	Pavlica.
Forbes.	Poage.
Harding.	Powell.
Harman.	Shaver.
High.	Sheats.
Holland.	Sinks.
Hornaday.	Smith of El Paso.
Jacks.	Smyth.
Kayton.	Stevenson.
Kemble.	Taylor.
Kennedy.	Walker.
Lipscomb.	Wallace
McCombs.	of Freestone.
McGill.	Wallace of Panola.
McKean.	Ware.
Merritt.	Young.

Nays—68.

Avis.	Olsen.
Barnett.	Parish of Runnels.
Barron.	Pearce.
Boggs.	Petsch.
Bonham.	Pool.
Boon.	Pope.
Brown.	Purl.
Conway.	Ramsey.
Cornwell.	Rawlins.
Cox.	Reagan.
Cummings.	Rogers of Hays.
Daniel.	Rowell.
DeBerry.	Sanders.
Dielmann.	Shearer.
Dunlap.	Shirley.
Duvall.	Simmons.
Enderby.	Smith of Smith.
Eickenroht.	Snelgrove.
Farrar.	Stell.
Faulk.	Storey.
Finlay.	Stout.
Fly.	Swain.
Fuchs.	Teer.
Gibson.	Tillotson.
Graves.	Turner.
Gray.	Van Zandt.
Holder.	Veatch.
Jones.	Wallace of Smith.
Keeton.	Wells.
Kincaid.	Whitaker.
Kirby.	Williams
Kirkland.	of Sabine.
Land.	Williams
Long.	of Travis.
Minor.	Woodall.
Moursund.	Woodruff.
Murphy.	

Absent.

Acker.	Branch.
Alexander.	Gates.
Bateman.	Gilbert.
Beck.	Hall.

Hefley.	Rogers of Shelby.
Johnson.	Runge.
King of Hopkins.	Satterwhite.
Loftin.	Smith of Nueces.
Loy.	Sutton.
Nabors.	Waddell.
Porter.	Wassell.
Renfro	Webb.
of Angelina.	Williamson.
Renfro of Mills.	

Absent—Excused.

Anderson.	Kenyon.
Denman.	King of
Foster.	Throckmorton.
Hagaman.	Kinnear.
Hogg.	Masterson.
Justice.	Smith of Atascosa.

Question then recurring on the motion to recess to 9:30 o'clock a. m. tomorrow, it prevailed, and the House accordingly, at 11:10 o'clock p. m., took recess to 9:30 o'clock a. m. tomorrow.

APPENDIX.

REPORTS OF COMMITTEE ON EN-
GROSSED BILLS.

Committee Room,
Austin, Texas, March 8, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 580, A bill to be entitled "An Act organizing and dividing the State of Texas into nine Administrative Judicial Districts, naming the counties composing each Administrative District, providing for the appointment of a presiding judge in each Administrative District; prescribing the powers and duties of each presiding judge; providing for the payment of expenses incurred in the administration of this act, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

WHITAKER, Vice-Chairman.

Committee Room,
Austin, Texas, March 8, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 585, A bill to be entitled "An Act to amend Article 1422 of the Penal Code of the State of Texas for

1925, so as to provide that the punishment for theft of property of the value of five dollars or under shall be by fine not exceeding two hundred dollars, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,
Austin, Texas, March 8, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 630, A bill to be entitled "An Act creating the county court at law of Hidalgo county, Texas; fixing and defining the jurisdiction and terms thereof; prescribing the qualifications, manner of appointment and election, term of office, compensation and powers of the regular or special judge thereof; providing for the filling of vacancies of the office of judge thereof and for a clerk and bailiff and seal therefor; defining the powers of such clerk and bailiff and the effect of such seal; fixing the fees of the clerk thereof and of officers executing processes issued therefrom; declaring that the jurisdiction of the county court of Hidalgo county shall not be hereby affected; providing for transfer of cases between the said county court; declaring the validity in transferred cases of processes extant at the time of such transfer; prescribing the practice in said court, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,
Austin, Texas, March 8, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 433, A bill to be entitled "An Act appropriating the sum of \$36,000, or as much thereof as may be necessary, for the compensation and expenses of the commissioner appointed by the Supreme Court of the United States under decree of January 3, 1927, in Cause No. 6, original, October term, 1926, styled the State of Oklahoma, complainant, vs. the State of Texas, defendant, the United States of America, intervenor, to run the boundary line between

the State of Texas and the State of Oklahoma, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,
Austin, Texas, March 8, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 498, A bill to be entitled "An Act repealing Chapter 9 of the Local and Special Laws of the State of Texas, passed by the Thirty-seventh Legislature at its Regular Session in 1921, relating to the road system of Coryell county,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,
Austin, Texas, March 8, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 614, A bill to be entitled "An Act to create a special and more efficient road system for Jasper county, in the State of Texas, and making county commissioners ex-officio road commissioners and prescribing their powers and duties as such, and providing for their compensation as such road commissioners; providing for the working of county convicts upon the public roads, bridges and streets; providing for the amount of credit he shall receive for such work and providing for commutation of sentence of faithful service and providing for the hiring of county convicts to individuals of the county for either public or private employment; defining the powers and duties of road overseers and placing them directly under the jurisdiction and control of said road commissioners; providing a penalty for the obstruction of driveways or ditches on public roads; providing that said county may assist in financing for improvement and maintenance of streets in cities and incorporated towns in the county and making this act cumulative of the general laws now in force, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.